UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,069	10/10/2001	Johan Andersson	66848-0001-2	4674

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EXAMINER
PICH, PONNOREAY

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/973,069	ANDERSSON ET AL.
	Examiner	Art Unit	
	Ponnoreay Pich	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 September 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-38</u> is/are pending in the application.

4a) Of the above claim(s) <u>1-30</u> is/are ~~withdrawn from consideration~~ *Canceled*.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>31-38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claims 1-30 were cancelled. Claims 31-38 were added by the applicant with the amendment filed on 9/20/2004. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Docketing

Please note that the application has been redocketed to a different examiner. Please refer all future communications regarding this application to the examiner of record, using the information supplied in the final section of the office action.

Response to Arguments

Applicant's arguments filed 9/20/2004 have been fully considered but they are not persuasive. As noted, the applicant cancelled all of the original claims, claims 1-30. Applicant then added claims 31-38 and argued that the prior art "does not disclose or suggest automatic control of real world entities such that at least one object instance created in accordance with the independent claims would be changed..." such that "...a function for controlling a real world entity is adapted to the relationship of the object instance of other object instances in at least one of the resultant structures." The examiner disagrees with the applicant on this point and will cite below where the prior art teaches these limitations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

Claims 31-32, 34-38 are rejected under 35 U.S.C. 102(b) as being anticipated by

Endicott et al (U.S. 5,404,525).

1. Claims 31, 36, and 37:

Endicott discloses a method of claim 31, a system of claim 36, and a computer

program comprising program code means of claim 37 for performing steps of a method

for automatic control of real world entities, wherein the real world entities are

represented as instances of objects, and wherein the control of an individual entity

depends on the relationship of the entity to other entities (col 5, line 15-col 6, line 48),

the method comprising the steps of:

    a. Creating at least two structures, wherein each structure is based on a

       certain type of relationship between object instances (col 5, lines 42-68).

    b. Creating at least one composite object type comprising at least two formal

       instances, wherein each formal instance contains information about

       instantiation of a certain object type, and wherein at least one such object

       type defines a function for control of a real world entity (col 5, line 58-col 6,

       line 27 and col 12, line 57-col 13, line 35).

    c. Locating each formal instance in at least one of two groups of formal

       instances, wherein each group is associated with a structure, and at least

       two groups are associated with different structures (col 5, line 55-col 6,

       line 48).

    d. Instantiation of the composite object type, wherein for each group of

       formal instances corresponding real world object instances are created

       and located in the structure with which the group is associated (col 13,

       lines 47-68).

    e. Changing at least one object instance thus created, said object instance

       defining a function for control of a real world entity, such that said function

       for control is adapted to the relationship of the object instance to other

       object instances in at least one of the resultant structures such that the

       control of the corresponding real world entity is adapted to the relationship

       of said entity to other entity (col 14, lines 39-60).

2. Claim 32:

Endicott discloses all the limitations of claim 31. In addition, Endicott discloses a

method wherein at least one formal instance is of a composite object type (col 13, lines

47-68 and Fig 2).

3. Claim 34:

Endicott discloses all the limitations of claim 31. In addition, Endicott discloses a

method wherein a formal instance comprises a description of how the properties of the

corresponding object type are to be changed when a real world instance is created (col

12, line 57-col 13, line 22 and col 15, line 54-col 16, line 13).

4. Claim 35:

Endicott discloses all the limitations of claim 31. In addition, Endicott discloses a

method wherein at least one formal instance represents a group of formal instances (col

5, line 55-col 6, line 10).

   5. Claim 38:

Endicott discloses all the limitations of claim 36. In addition, Endicott discloses a

computer program wherein the program code means are stored in a computer readable

medium (col 5, lines 1-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Endicott

et al (U.S. 5,404,525).

   6. Claim 33:

Endicott discloses all the limitations of claim 31. In addition, Endicott discloses a

method wherein one structure is based on functional properties of the real world entities

and another structure is based on the physical location of the real world entities (col 2,

lines 7-35 and col 6, lines 12-48).

Note that Endicott does not explicitly disclose that his invention has a structure that

is based on the physical location of real world entities. However, Endicott implies in col

2, lines 7-35 that it was known in the art at the time the applicant invention was made.

Endicott uses the example of a Dog that had eyes and four legs. In this matter, Endicott implies that the objects "eyes" and "legs" are located with the object "Dog." One of ordinary skill would likely incorporate this background teaching with Endicott's as it would allow for better encapsulation and reusability of programmed entities (col 1, line 59-col 2, line 6).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
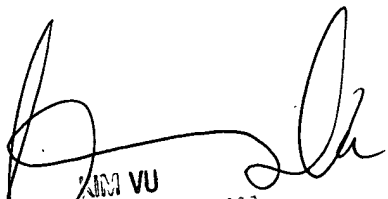
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ponnoreay Pich whose telephone number is 571-272-7962. The examiner can normally be reached on 8:00am-4:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PP

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2